

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 16, 2004 (Paper No. 13). Upon entry of this response, claims 93-120 are pending in the application. Applicants respectfully request that there be reconsideration of all pending claims.

1. Rejection of Claims 93-104 and 112-120 under 35 U.S.C. §103

Claims 93-104 and 112-120 have been rejected under §103(a) as allegedly obvious over *Ellis et al.* (WO 00/05889) in view of *Craycroft et al.* (U.S. 6,731,310). Applicants respectfully traverse these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 93

1) The proposed combination does not teach “storing first and second sets of color specifications in a first section of memory in the STT, wherein each of the first and second sets of color specifications specifies a plurality of colors”

Applicants respectfully submit that claim 93 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “storing first and second sets of color specifications in a first section of memory in the STT, wherein each of the first and second sets of color specifications specifies a plurality of colors” as recited in claim 93.

The Office Action asserts that this limitation is disclosed at p. 20, lines 9-27 of *Ellis et al.* (Office Action, p. 4, first paragraph). Applicants respectfully disagree. The cited passage does

not disclose “storing first and second sets of color specifications.” Instead, the cited passage simply teaches that an STT contains “platform resources 92 such as on-screen display features (colors, fonts, etc.),” and that “program guide API 72 allows “non-program guide applications to access platform resources 92.” This recitation of display features provided by a set top is not a teaching of “storing first and second sets of color specifications” as recited in claim 93.

Furthermore, Applicants can find no teaching of the claimed limitation elsewhere in *Ellis et al.*

Craycroft et al. also fails to teach, suggest or disclose at least the feature of “storing first and second sets of color specifications in a first section of memory in the STT, wherein each of the first and second sets of color specifications specifies a plurality of colors.” *Craycroft et al.* does not discuss set tops at all, and so does not disclose “a first section of memory in the STT.”

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “storing first and second sets of color specifications in a first section of memory in the STT, wherein each of the first and second sets of color specifications specifies a plurality of colors” as recited in claim 93. Since the proposed combination does not teach at least the above-described features recited in claim 93, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 93 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

2) The proposed combination does not teach “enabling the first and second software modules to access the first set of color specifications stored in the first section of memory”

Applicants respectfully submit that claim 93 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “enabling the first and second software modules to access the first set of color specifications stored in the first section of memory” as recited in claim 93.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, p. 4, first paragraph). Applicants respectfully disagree. The cited passages appear to merely teach the desirability of maintaining a consistent user interface. The cited passages do not mention color, color specifications, or accessing color specifications. Furthermore, Applicants respectfully submit that *Ellis et al.* teaches away from this claimed limitation, by teaching that non-program guide applications do not in fact access display resources, but instead use an API provided by program guide application 70, so that a consistent user interface is maintained. (p. 22, line 16 to p. 24, line 5).

Craycroft et al. also fails to teach, suggest or disclose “enabling the first and second software modules to access the first set of color specifications stored in the first section of memory.” *Craycroft et al.* does not discuss set tops at all, and so does not disclose “a first section of memory,” which is defined in other parts of claim 93 as being “in the STT.”

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “enabling the first and second software modules to access the first set of color specifications stored in the first section of memory” as recited in claim 93. Since the proposed combination does not teach at least the above-described features recited in claim 93, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 93 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

3) The proposed combination does not teach “outputting the second structured visual presentation including the at least one graphical element to the television, wherein the at least one graphical element is displayed within the second structured visual presentation in the color specified by the first set of color specifications”

Applicants respectfully submit that claim 93 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “outputting the second structured visual presentation including the at least one graphical element to the television, wherein the at least one graphical element is displayed within the second structured visual presentation in the color specified by the first set of color specifications” as recited in claim 93.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, p. 4, first paragraph). Applicants respectfully disagree. The passages cited by the Examiner appear to merely teach the desirability of maintaining a consistent user interface. The cited passages do not mention color, color specifications, or accessing color specifications. Furthermore, Applicants can find no discussion anywhere in *Ellis et al.* of displaying a graphical element within a structured visual presentation in the color specified by the first set of color specifications, as recited in claim 93.

Craycroft et al. also fails to teach, suggest or disclose at least a “outputting the second structured visual presentation including the at least one graphical element to the television, wherein the at least one graphical element is displayed within the second structured visual presentation in the color specified by the first set of color specifications.” *Craycroft et al.* contains no discussion of structured visual presentations, or of televisions.

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “outputting the second structured visual presentation

including the at least one graphical element to the television, wherein the at least one graphical element is displayed within the second structured visual presentation in the color specified by the first set of color specifications” as recited in claim 93. Since the proposed combination does not teach at least the above-described features recited in claim 93, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 93 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

b. Claim 112

1) Clarification of Rejection

Applicants notes that although the main statement of rejection in the Office Action (p. 3, paragraph 6) rejects claims 112-120 as being unpatentable over *Ellis et al.* in view of *Craycroft et al.*, claim 112 is not specifically addressed in the body of the rejection (p. 3-9). The Office Action does, however, specifically discuss **claim 105** on pages 5-6. However, because this discussion quotes the claim language of claim 112, and because claim 105 is addressed in a separate rejection on p. 9, Applicants will assume that this discussion on pages 5-6 of the Office Action was intended to address claim 112 instead of claim 105.

2) The proposed combination does not teach “storing a plurality of color scheme specifications in the STT, each color scheme specification specifying a plurality of colors”

Applicants respectfully submit that claim 112 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “storing a plurality of color scheme specifications in the STT, each color scheme specification specifying a plurality of colors” as recited in claim 112.

The Office Action asserts that this limitation is disclosed at p. 20, lines 9-27 of *Ellis et al.* (Office Action, p. 4, first paragraph). Applicants respectfully disagree. The cited passage does

not disclose “storing a plurality of color scheme specifications.” Instead, the cited passage simply teaches that an STT contains “platform resources 92 such as on-screen display features (colors, fonts, etc.),” and that “program guide API 72 allows “non-program guide applications to access platform resources 92.” This recitation of display features provided by a set top is not a teaching of “storing a plurality of color scheme specifications” as recited in claim 112.

Furthermore, Applicants can find no teaching of the claimed limitation elsewhere in *Ellis et al.*

Craycroft et al. also fails to teach, suggest or disclose at least the feature of “storing a plurality of color scheme specifications in the STT.” *Craycroft et al.* does not discuss set tops at all.

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “storing a plurality of color scheme specifications in the STT, each color scheme specification specifying a plurality of colors” as recited in claim 112. Since the proposed combination does not teach at least the above-described features recited in claim 112, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 112 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

3) The proposed combination does not teach “enabling the first and second software modules to access said selected color scheme specification”

Applicants respectfully submit that claim 112 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “enabling the first and second software modules to access said selected color scheme specification” as recited in claim 112.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, p. 5, last line).

Applicants respectfully disagree. The passages cited by the Examiner appear to merely teach the desirability of maintaining a consistent user interface. The cited passages do not mention color, color specifications, or accessing color specifications. Furthermore, Applicants respectfully submit that at least other passages in *Ellis et al.* teach away from this claimed limitation, by teaching that non-program guide applications do not in fact access display resources, but instead use an API provided by program guide application 70, so that a consistent user interface is maintained. (p. 22, line 16 to p. 24, line 5).

Craycroft et al. also fails to teach, suggest, or disclose “enabling the first and second software modules to access said selected color scheme specification.” Other parts of claim 112 define “said selected color scheme specification” as being “in the STT.” However, *Craycroft et al.* does not discuss set tops at all, and therefore does not disclose this claimed limitation.

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “enabling the first and second software modules to access said selected color scheme specification” as recited in claim 112. Since the proposed combination does not teach at least the above-described features recited in claim 112, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 112 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

4) The proposed combination does not teach “outputting the second structured visual presentation to the television, said second structured visual presentation includes a plurality of the colors specified by the selected color scheme specification”

Applicants respectfully submit that claim 112 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not disclose, teach, or suggest at least the feature of “outputting the second structured visual presentation to the

television, said second structured visual presentation includes a plurality of the colors specified by the selected color scheme specification” as recited in claim 112.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, top of p. 6).

Applicants respectfully disagree. The passages cited by the Examiner appear to merely teach the desirability of maintaining a consistent user interface. The cited passages do not mention color schemes or color scheme specifications, or outputting a structured visual presentation which includes a selected color scheme.

Craycroft et al. also fails to teach, suggest or disclose at least a “outputting the second structured visual presentation including the at least one graphical element to the television, wherein the at least one graphical element is displayed within the second structured visual presentation in the color specified by the selected color scheme specification.” *Craycroft et al.* contains no discussion of structured visual presentations, or of televisions.

Accordingly, the proposed combination of *Ellis et al.* in view of *Craycroft et al.* does not teach at least the claimed limitation of “outputting the second structured visual presentation to the television, said second structured visual presentation includes a plurality of the colors specified by the selected color scheme specification” as recited in claim 112. Since the proposed combination does not teach at least the above-described features recited in claim 112, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 112 is not obvious under the proposed combination of *Ellis et al.* in view of *Craycroft et al.*, and the rejection should be withdrawn.

c. Claims 94-104 and 113-120

Since claims 93 and 112 are allowable, Applicants respectfully submit that claims 94-104 and 113-120 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 94-104 and 113-120 be withdrawn.

2. Rejection of Claims 105-111 under 35 U.S.C. §103

Claims 105-111 have been rejected under §103(a) as allegedly obvious over *Ellis et al.* (U.S. WO 00/05889) in view of *Kamen et al.* (U.S. 6,421,067). Applicants respectfully traverse these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 105

1) The proposed combination does not teach “enabling the first and second software modules to access the font characteristic specifications”

Applicants respectfully submit that claim 105 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Kamen et al.* does not disclose, teach, or suggest at least the feature of “enabling the first and second software modules to access the font characteristic specifications” as recited in claim 105.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, middle of p. 10). Applicants respectfully disagree. The passages cited by the Examiner appear to merely teach the

desirability of maintaining a consistent user interface. The cited passages do not mention font characteristics, or accessing font characteristic specifications. Furthermore, Applicants respectfully submit that at least other passages in *Ellis et al.* teach away from this claimed limitation, by teaching that non-program guide applications do not in fact access display resources, but instead use an API provided by program guide application 70, so that a consistent user interface is maintained. (p. 22, line 16 to p. 24, line 5).

Kamen et al. also fails to teach, suggest, or disclose at least “enabling the first and second software modules to access said font characteristic specifications.” *Kamen et al.* appears to teach customizing fonts used by one application (the EPG) rather than by two software modules as claimed.

Accordingly, the proposed combination of *Ellis et al.* in view of *Kamen et al.* does not teach at least the claimed limitation of “enabling the first and second software modules to access the font characteristic specifications” as recited in claim 105. Since the proposed combination does not teach at least the above-described features recited in claim 105, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 105 is not obvious under the proposed combination of *Ellis et al.* in view of *Kamen et al.*, and the rejection should be withdrawn.

2) The proposed combination does not teach “outputting the second structured visual presentation including a plurality of letters to the television, wherein the second plurality of letters are displayed within the second structured visual presentation according to the font characteristic specifications”

Applicants respectfully submit that claim 112 is allowable for at least the reason that the proposed combination of *Ellis et al.* in view of *Kamen et al.* does not disclose, teach, or suggest at least the feature of “outputting the second structured visual presentation including a plurality of letters to the television, wherein the second plurality of letters are displayed within the second

structured visual presentation according to the font characteristic specifications” as recited in claim 112.

The Office Action asserts that this limitation is disclosed in *Ellis et al.* at p. 19, lines 6-27 of, p. 22, lines 16-28, and p. 23, line 24 through p. 24, line 5. (Office Action, middle of p. 10). Applicants respectfully disagree. The passages cited by the Examiner appear to merely teach the desirability of maintaining a consistent user interface. The cited passages do not mention font characteristics, or outputting a structured visual presentation which displays letters according to a font characteristic specification..

Kamen et al. also fails to teach, suggest or disclose at least “outputting the second structured visual presentation including a plurality of letters to the television, wherein the second plurality of letters are displayed within the second structured visual presentation according to the font characteristic specifications.” *Kamen et al.* appears to teach customizing fonts used by one application, the EPG. However, claim 105 recites both a first and a second structured visual presentation, where both presentations display letters according to the font characteristic specifications.

Accordingly, the proposed combination of *Ellis et al.* in view of *Kamen et al.* does not teach at least the claimed limitation of “outputting the second structured visual presentation including a plurality of letters to the television, wherein the second plurality of letters are displayed within the second structured visual presentation according to the font characteristic specifications” as recited in claim 112. Since the proposed combination does not teach at least the above-described features recited in claim 112, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 112 is not obvious under the proposed combination of *Ellis et al.* in view of *Kamen et al.*, and the rejection should be withdrawn.

b. Claims 106-111

Since claim 105 is allowable, Applicants respectfully submit that claims 106-111 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 106-111 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 93-120 be allowed to issue. Although some dependent claim rejections and some obviousness rejections are explicitly addressed above, the omission of arguments for other claims is not intended to be construed as an implied admission that the Applicants agree with the rejection or finding of obviousness for the respective claim or claims. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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